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| 10/736,408 | 12/15/2003 | Edward Alan Clark | LUC-444/Clark 12-11 | 3955 |

32205 7590 01/02/2008
PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

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| EXAMINER |
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AL AUBAIDI, RASHA S

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| ART UNIT | PAPER NUMBER |
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2614

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01/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,408

Applicant(s)

CLARK ET AL.

Examiner

Rasha S. AL-Aubaidi

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 10/05/2007. No claims have been added. Claims 2, 9 and 24 have been canceled. Claims 1, 3-8, 10-23 and 25-26 have been amended. Claims 1, 3, 6-7, 10, 14, , 2, 4-12, 14-19 and 21-24 are still pending in this application.

Claim Rejections - 35 USC § 101

2. Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 recites "one or more computer-readable signal-bearing media". As disclosed in page 21 of the specification as a second example, the computer-readable signal-bearing medium comprises "a modulated carrier signal transmitted over a network ". Therefore, the claims when interpreted in light of the specification are nothing more than a signal and a signal is nonstatutory subject matter; thereby making the claims nonstatutory. See Interim guideline page 55+.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-8, 10-23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Pelletier (US PAT # 6,608,891).

Regarding claim 1, Pelletier teaches a service control component (reads on SCP 18, Fig. 4) that provides to one or more telephony devices (see phones 15 and 13 on Fig. 4) of a plurality of telephony devices on a call, one or more services associated with one or more numbers associated with the one or more telephony devices on the call through employment of one or more data streams associated with the call (this basically reads on the SCP 18 providing service such as announcements and message delivery to customers/callers, see abstract); and one or more application server components which corporate with the service control component (this reads on the server located in the central office which is not shown in Fig. 4, sending additional information to the SCP 18 when needed, see col. 7, lines 19-21) through employment of one or more data streams (the use of data streams can reads on " the received message data" see col. 7, lines 23-24) between the service control component and the one or more application server components to provide the one or more services (see col. 7, lines 24-27).

Claims 16 and 23 are rejected for the same reasons as discussed above with respect to claims 1-2.

Claims 3-4, 17-19, 22 and 25-26 basically reads on identifying the customer

calling number and analyzing the entered data streams and based on that providing the required services.

Claim 5 recites “the one or more services comprise one or more routing services, wherein the service control component employs the information to evaluate the one or more routing services; wherein the service control component communicates with a switch component to route the call based on the one or more routing services”. See Fig. 8 and col. 3, lines 52-67.

For claims 6-8, see Fig. 8 and col. 3, lines 52-67.

Claim 10 recites “one or more identifiers comprise one or more addresses associated with one or more of the one or more application server components; wherein the service control component and the one or more of the one or more application server components employ the one or more identifiers to establish the one or more data streams”. See for example Figs. 5-7.

Claims 11-14 are rejected for the same reasons as discussed above with respect to claim 10.

The limitation of claim 15 basically reads on the use on an Internet. See for example the use of an email in col. 4, lines 46-48.

Claim 20 recites “the service control component and the one or more of the one or more switch components employ one or more Transactional Capabilities Application Part (TCAP) queries to associate the identifier with the call”. The use of a TCAP messages in an AIN environment is inherent.

Claim 21 is rejected for the same reasons as discussed above with respect to claim 20.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicant's main argument directed to Pelletier not disclosing or suggesting “one or more application server components”. The examiner respectfully disagrees. The claimed “application server components” reads on the server that is located in the central office which is not shown in Fig. 4. However, this server sends additional information to the SCP 18 when needed per a request or query send from the SCP 18, see col. 7, lines 19-21.

Also, regarding Applicant's argument that Pelletier does not disclose or suggest “such data streams”, Examiner respectfully disagrees because the claimed “data

streams "can actually read on the "received message data" as explained in col. 7, lines 23-24.

Thus, Examiner believes that all Applicant arguments are already addressed.

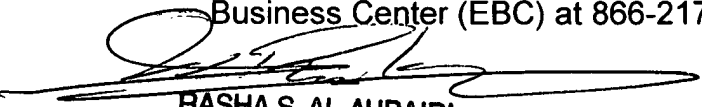
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI
PRIMARY EXAMINER

Art Unit 2614
12/20/2007